



House Criminal Justice Committee
December 1, 2015
Raise the Age of Criminal Responsibility
HB 4947-4954

Juvenile courts reflect the common sense understanding that children and teenagers are both less mature and more malleable than adults. Their purpose is to focus less on punishing young offenders than on helping them to address the causes of their behavior. The goal is to give them the chance to put youthful mistakes behind them and regain the opportunity for a productive future.

The advent of sophisticated research on brain development confirms the understanding that parents, teachers and juvenile justice reformers have long shared. This research shows that areas of the brain that affect judgment, foresight and impulse control continue to develop into the early and mid-20s. As a result, impulsivity, susceptibility to peer pressure and inability to anticipate consequences all contribute to criminal behavior by juveniles. Conversely, the process of psychosocial maturation leads the vast majority of juvenile offenders, even those who committed serious crimes, to grow out of antisocial activity as they transition to adulthood.¹

Michigan, like most states, recognizes adolescent immaturity by making 18 the age of majority for most purposes.² This coincides, of course, with the point at which most kids have graduated from high school. Anyone younger than 18 cannot vote at all and cannot marry³, join the military⁴ or even get a tattoo⁵ without their parents' permission. Parents are legally obligated to support their children until the age of 18. Nonetheless, Michigan treats 17-year-olds as adults for purposes of criminal responsibility.⁶ It is one of only nine states that maintain this anomaly. Currently there are active campaigns to raise the age in N. Carolina, New York, Wisconsin and Texas. This leaves Michigan in the company of Georgia, Missouri, South Carolina and Louisiana.⁷

¹ Lawrence Steinberg, Elizabeth Cauffman and Kathryn C. Monahan, "Psychosocial Maturity and Desistance From Crime in a Sample of Serious Juvenile Offenders", *Juvenile Justice Bulletin* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, March 2015).

² MCL 722.52

³ MCL 551.103

⁴ 10 U.S.C. 505

⁵ MCL 333.13102

⁶ MCL 712A.2

⁷ Maurice Chammah, "The 17-Year-Old Adults", *The Marshall Project*, March 3, 2015.
www.themarshallproject.org/2015/03/03/the-17-year-old-adults.

The large majority of 17-year-olds tried as adults are sentenced to probation and/or jail time, just like the majority of all criminal defendants. Like older defendants, these teens get to carry with them for the rest of their lives all the collateral consequences of an adult felony conviction, which will make it harder for them to get employment, occupational licenses, housing and education. They may be unable even to engage in such routine activities as crossing the border to Canada.

Several hundred people each year are committed to prison for offenses they committed at age 17. They experience the full impact of incarceration with adults. Some will be victimized because of their size or insecurity. Some will respond to peer pressure to be tough or choose to emulate negative adult role models. None will receive programming designed to address the needs, fears, desires and turmoil of 17-year-olds. But all will carry the self-image and the stigma of being ex-convicts.

It is tempting to assume these must be particularly dangerous teenagers, but that is not, in fact, the case. Some initially received sentences of probation but failed in a community supervision system that assumes an adult level of maturity and self-control. More than half receive minimum sentences of two years or less, mostly for such offenses as theft, burglary and weapons offenses. While they may have a juvenile court record or a history of school problems, most are still adolescents who could be better prepared for a productive future in more age-appropriate programs through the juvenile justice system.⁸

Raising the age of criminal responsibility does not present any risk to public safety. On the contrary, it would protect the community by increasing the chance that 17-year-olds will ultimately become productive citizens without the perpetual handicap of an adult conviction. For the occasional 17-year-old who is so dangerous to the community that incarceration as an adult is warranted, waiver into the adult criminal justice system on a case-by-case basis would remain available.

We are grateful to those legislators who are willing to reassess the actual effectiveness of our criminal justice system and the best uses of our costly prison system. Forever saddling people with adult consequences for adolescent behavior is not effective or fair. It is a poor investment in the future of our kids and a poor use of the corrections budget. We urge you to bring Michigan in line with brain science, the laws of most other states and, above all, your own common sense and experience in recognizing that 17-year-olds should be treated like the teenagers they are for all purposes, including criminal responsibility.

⁸ A recent report by The PEW Charitable Trusts summarized research on the effect of lengthy out-of-home placements for juveniles in secure corrections or other residential facilities designed for youth. In general, juvenile incarceration even in these settings fails to reduce recidivism. Outcomes are better for those who remain in community-based programs. There is no consistent relationship between the length of out-of-home placements and recidivism. Public Safety Performance Project, *Issue Brief: Re-Examining Juvenile Incarceration* (N.p: The Pew Charitable Trusts, April 20, 2015), <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>.